

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

CORBETT LAW FIRM LLC
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Evesham, New Jersey 08053
856-767-0910; fax 908-847-0369
John E. Corbett, Esquire (JC-6036)
Attorney for Lance Henry

In Re:

ANTHONY M. MORTELLITE, JR.
COLLEEN T. MORTELLITE

Debtors



Order Filed on September 14, 2017
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Chapter 12

Lead Case No: 17-21818 (ABA)
Jointly Administered


Hearing date: September 5, 2017

Hon. Andrew B. Altenburg, Jr., USBJ

**ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY PERMITTING LANCE
HENRY TO LITIGATE PRE-PETITION CLAIMS IN STATE COURT AND TO PURSUE
COLLECTION OF INSURANCE PROCEEDS IN SATISFACTION THEREOF**

The relief set forth on the following pages, numbered two (2) through three (3) is
hereby **ORDERED**.

DATED: September 14, 2017



Honorable Andrew B. Altenburg, Jr.
United States Bankruptcy Court

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Debtors: Anthony M. Mortellite, Jr.; Colleen T. Mortellite

Case No. 17-21818 (ABA)

Caption: ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY PERMITTING
LANCE HENRY TO LITIGATE PRE-PETITION CLAIMS IN STATE COURT AND
TO PURSUE COLLECTION OF INSURANCE PROCEEDS IN SATISFACTION
THEREOF

THIS MATTER came before the Court on September 15, 2017 upon the motion by Lance Henry through his attorney, the Corbett Law Firm, LLC, John E. Corbett, Esquire appearing, for entry of an order granting relief from the automatic stay in the above-captioned bankruptcy case permitting him to continue prosecution of a certain State Court Action composed of a civil suit and related state administrative proceedings against debtor Anthony M. Mortellite, Jr. The State Action was initiated by the filing on September 30, 2015 of civil action in the Superior Court of the State of New Jersey captioned as *Lance Henry v. Anthony Mortellite, Jr. et al*, Docket No. CAM-L-3645-15. The administrative proceeding currently takes the form of a complaint filed pursuant to N.J.S.A. 4:1C-10.1 with the Camden County Agricultural Development Board. In the State Action, Lance Henry complains of negligence, nuisance, unjust enrichment, and property damage arising from the directed flow of storm water from Mr. Mortellite's land onto Mr. Henry's land and seeks injunctive relief and money damages. Movant seeks to continue to litigate the State Action and, if successful therein, to pursue satisfaction of any relief obtained through proceeds of an insurance policy or policies assumed to be held by one or both debtors.

Debtors are represented by the law firm of Kasen & Kasen. David A. Kasen, Esquire filed a timely reply to the moving papers and appeared on behalf of debtors. No other opposition was received by the Court.

Prior to oral argument on the motion, counsel conferred and agreed to a resolution of their differences which was then proposed on the record for the Court's consideration and approval. Having considered the arguments made in support of this motion, the

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Debtors: Anthony M. Mortellite, Jr.; Colleen T. Mortellite

Case No. 17-21818 (ABA)

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THEREOF

responses thereto, and the consents of the parties as indicated below, the Court
determines that there is sufficient cause to grant the relief set out below. Accordingly,

IT IS ON THE DATE SET FORTH ABOVE HEREBY ORDERED:

1. The movant, Lance Henry is hereby granted relief from the Automatic Stay
(11 U.S.C. §362(a)) for the purpose of continuing litigation in the State Action in order to
establish the validity and to fix the amount of his claims against debtors.

2. In the State Action, movant may collect any award of damages from the
proceeds of debtors' liability insurance policies without further order of this court.

3. Movant's application to seek and enforce injunctive relief in the State Action
to abate any continuing nuisance alleged to be caused by debtors is denied without
prejudice.

4. Pursuant to BR 4001(a)(3), this order is stayed until the expiration of ten
days from the date hereof.

**The undersigned attorneys for the parties appearing in this matter
hereby consent to the form, content and entry of the Order as set forth above.**

CORBETT LAW FIRM LLC
Attorney for Movant

/s/ John E. Corbett

KASEN & KASEN
Attorney for Debtors

/s/ David A. Kasen

By: JOHN E. CORBETT, Esq. (JC-6036)

By: DAVID A. KASEN, Esq. (DK1778)

Certificate of Notice Page 4 of 4
 United States Bankruptcy Court
 District of New Jersey

In re:
 Anthony M Mortellite, Jr
 Colleen T Mortellite
 Debtors

Case No. 17-21818-ABA
 Chapter 12

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
 Form ID: pdf903

Page 1 of 1
 Total Noticed: 1

Date Rcvd: Sep 14, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 16, 2017.
 db/jdb +Anthony M Mortellite, Jr, Colleen T Mortellite, 564 11th St., Hammonton, NJ 08037-8468

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 16, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 14, 2017 at the address(es) listed below:

Andrea Dobin on behalf of Trustee Andrea Dobin adobin@trenklawfirm.com
 Andrea Dobin ecftrusteead@trenklawfirm.com, NJ55@ecfcbis.com
 CherylLynn Walters on behalf of Creditor Township of Winslow cwalters@prlawoffice.com
 David A. Kasen on behalf of Joint Debtor Colleen T Mortellite dkasen@kasenlaw.com
 David A. Kasen on behalf of Unknown Role Type Blues Brothers, LLC dkasen@kasenlaw.com
 David A. Kasen on behalf of Debtor Anthony M Mortellite, Jr dkasen@kasenlaw.com
 David A. Kasen on behalf of Debtor Blues Brothers, LLC dkasen@kasenlaw.com
 Erin Darden on behalf of Creditor United States of America erin.darden@usdoj.gov
 Jenny R. Kasen on behalf of Joint Debtor Colleen T Mortellite jkasen@kasenlaw.com,
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 dkasen@kasenlaw.com
 Jenny R. Kasen on behalf of Debtor Anthony M Mortellite, Jr jkasen@kasenlaw.com,
 dkasen@kasenlaw.com
 John E. Corbett on behalf of Creditor Lance Henry jecorbett@corbettlaw.net
 John R. Morton, Jr. on behalf of Creditor Americredit Financial Services, Inc., d/b/a GM
 Financial ecfmail@mortoncraig.com, mortoncraigecef@gmail.com/mhazlett@mortoncraig.com
 John R. Morton, Jr. on behalf of Creditor Wells Fargo Bank, N.A., d/b/a Wells Fargo Dealer
 Services ecfmail@mortoncraig.com, mortoncraigecef@gmail.com/mhazlett@mortoncraig.com
 Joseph A McCormick, Jr. on behalf of Creditor Deere & Company jmccormick@mccormicknjlaw.com,
 karen@mccormicknjlaw.com/Lorraine@mccormicknjlaw.com/Kathleen@mccormicknjlaw.com/Karen@mccormickn
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 Marshall T. Kizner on behalf of Creditor Farm Credit East, ACA mkizner@stark-stark.com
 Ross J. Switkes on behalf of Trustee Andrea Dobin rswitkes@trenklawfirm.com
 Timothy P. Duggan on behalf of Creditor Farm Credit East, ACA tduggan@stark-stark.com
 U.S. Trustee. USTPRegion03.NE.ECF@usdoj.gov
 Walter F. Gavigan, Jr. on behalf of Creditor Lee Rain, Inc. wgavigan@grucciopepper.com,
 jlynch@grucciopepper.com/r53898@notify.bestcase.com
 William E. Craig on behalf of Creditor Wells Fargo Bank, N.A., d/b/a Wells Fargo Dealer
 Services mortoncraigecef@gmail.com, mortoncraigecef@gmail.com

TOTAL: 21